

# Terry Lenamon on the Death Penalty

Sidebar with a Board Certified Expert Criminal Trial Attorney



**Terence M. Lenamon** is a Florida Bar certified expert in the area of criminal trial law. With over 17 years experience he has built a reputation as one of Florida's most respected criminal defense lawyers. His defense has been sought by many high-profile clients and has led him through 20 first-degree murder trials and eight death penalty cases. That experience has brought him national recognition as a go-to commentator on death penalty issues. He is the force behind both [deathpenaltyblog.com](http://deathpenaltyblog.com) and Florida Capital Resource Center ([floridacapitalresourcecenter.org](http://floridacapitalresourcecenter.org)), and can be reached at [terry@lenamonlaw.com](mailto:terry@lenamonlaw.com).

## [Casey Anthony and the Death Penalty: I Give My Opinion to the Orlando Sentinel](#)

Posted on August 21, 2010 by [Terry Lenamon](#)



Casey Anthony isn't facing a jury yet, but major decisions regarding her jury trial for the murder of her daughter, Caylee Marie Anthony, are being made now as [Belvin Perry, Chief Judge of the Ninth Judicial District Court of Florida](#) issues his rulings on important motions presented to him by the prosecution and the defense.

Shortly after [he took over the Casey Anthony case](#) this Spring, [Judge Perry made budget rulings](#), for example. Now, Judge Perry is making the call on evidence boundaries: making decisions that will impact the scope and the length of the trial proceeding. [Judge Perry's Recent Rulings Impact Whether There Will Be the Death for Casey Anthony](#)

Florida law establishes both the [aggravating factors](#) and the [mitigating circumstances](#) that can be applied in any capital case. These are lists that can be used by prosecutors and defendants - not all will apply in every case. Not all apply in Casey Anthony's case. ([See the list of aggravators with a brief summary here.](#))

Long before trial, evidence must be collected by each side that substantiates the aggravating factors or mitigating circumstances that will be used in a particular matter. So, there must be a ruling on what the Judge is going to allow from the lists. Neither side wants to waste time and money gathering evidence for a factor that the judge is going to say isn't applicable in the case.

Some of those motions were filed in the Casey Anthony matter. Judge Perry ruled against the defense's motions to limit the aggravating factors available to the prosecution. Perry has okayed the State of Florida presenting evidence in any penalty phase of the trial on several aggravating factors. This will only come up if Casey Anthony is found guilty of murdering her daughter, Caylee Marie Anthony.

My Take on Things -- as I Told the Orlando Sentinel

Since [I shared this with the Orlando media](#), I feel it's important to share this with my faithful readers, as well: I do not believe that the Casey Anthony case is going to reach death. Yes, I know that this is a high-profile case. Yes, I know that there are a lot of people that want the death penalty sentence for this defendant. Yes, I know that I was asked this earlier and refrained -- but that was when there was still an argument that this would not be a capital case. That decision has been made: the defense fight to prevent the State of Florida from seeking the death penalty failed.

All this being considered, from my perspective as a Death Qualified Criminal Defense attorney with years of experience in this area, I do not believe that there will be capital punishment in the Casey Anthony case. Why No Death Penalty for Casey Anthony?

Why? From my perspective, and admittedly this is the viewpoint of a [defense advocate speaking from years of death-qualified experience and education on mitigating factors](#) involving mental health issues and the like, when the aggravators are balanced against the mitigators, I do not believe that the death penalty can result. Legally, the scales don't fall that way.

That, of course, is my opinion. And, it's just my opinion. The jury may not agree with me -- but as the [Orlando Sentinel article](#) points out -- in Florida, the jury doesn't make the ultimate call in a death case. So the real question at trial will be if the Ninth Judicial District's Chief Judge Belvin Perry agrees with me.